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JUN 04 2009

Application No.: 10/565,471

Docket No.: JCLA19107

REMARKSPresent Status of the Application

The Office action rejected claims 1, 6, 7 and 11 under 35 U.S.C. 103(a) as being unpatentable over Pearl et al. (US Publication No. 2003/0093915; hereinafter "Pearl") in view of Black (US Publication No. 2004/0006332; hereinafter "Black"), Beck et al. (US Patent No. 3,967,372; hereinafter "Beck") and Inagaki (US Patent No. 4,924,541; hereinafter "Inagaki").

The Office action rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Bigio (US Patent No. 6,739,016; hereinafter "Bigio").

The Office action rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Honda et al. (US Patent No. 4,732,834; hereinafter "Honda").

The Office action rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Dahl (US Patent No. 3,938,018; hereinafter "Dahl").

The Office action rejected claims 9, 10, 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Larsen (US Patent No. 6,450,941; hereinafter "Larsen").

After carefully considering the comments set forth in this Office action and the cited references, Applicant has amended claims 1 and 11 and has canceled claims 4, 6 and 8. Applicant

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hereby respectfully traverses all the rejections on the grounds set forth in detail below and earnestly requests for withdrawal of all the rejections and allowance of all the pending claims.

Response to Claim Rejections under 35 U.S.C. 103(a)

Claims 1, 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl in view of Black, Beck and Inagaki.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Bigio.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Honda.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Dahl.

Claims 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl, Black, Beck and Inagaki and further in view of Larsen.

In response thereto, Applicant has amended claims 1 and 11, has canceled claims 4, 6 and 8, and respectfully traverses all said rejections.

Applicant respectfully submits that Pearl fails to disclose the technical feature reciting "a light radiating section including a plurality of LEDs, which are regularly aligned behind the massage protrusions of the case in equidistance" of claim 1. Said LEDs arranged in equidistance behind the massage protrusions are found nowhere in the disclosure of Pearl.

Moreover, Applicant also respectfully submits that Pearl fails to disclose the technical

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features reciting "the laser source and the lens section are aligned in a direction of the length of the massage protrusions" of claim 1. The laser module 8 and the splitter/reflector 6 of Pearl are aligned in a direction perpendicular to the length of teeth 3.

Furthermore, Applicant respectfully submits that Black fails to disclose the cylindrical member and that the arrangement of the laser source being installed at the rear portion of the cylindrical member and the lens section being installed at the front portion is found nowhere in the disclosure of Black.

Therefore, even in consideration of Black, Beck, Inagaki, Bigio, Honda, Dahl and Larsen, any combination of Pearl, Black, Beck, Inagaki, Bigio, Honda, Dahl and Larsen still fails to teach or suggest the above technical features of claim 1 and further of claims 5, 7, 9, 10, 13 and 14 dependent thereon. Therefore, Applicant respectfully asserts that claim 1 of the present application is non-obvious over Pearl, Black, Beck, Inagaki, Bigio, Honda, Dahl and Larsen, taken alone or in any combination and accordingly traverses the rejection of claim 1 under 35 U.S.C. 103(a).

Since claim 1 is patentable, claims 5, 7, 9, 10, 13 and 14 dependent thereon should also be allowed as a matter of law, for they contain all the technical features of their independent claim. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In addition, although being an independent claim, claim 11 also contains all the technical features of claim 1. Therefore, Applicant also respectfully asserts that claim 11 is non-obvious over Pearl, Black, Beck, Inagaki, Bigio, Honda, Dahl and Larsen, taken alone or in any combination and accordingly traverses the rejection of claim 11 under 35 U.S.C. 103(a).

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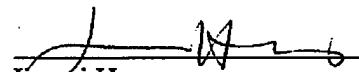
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1, 5, 7, 9-11, 13 and 14 of the present application patentably define over the prior art and are in proper condition for allowance. An action to such effect is most earnestly solicited. If the Office believes that a telephone conference would expedite the examination of the above-identified patent application, the Office is invited to call the undersigned.

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Respectfully submitted,
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